

48A C.J.S. Judges § 203

Corpus Juris Secundum | August 2023 Update

Judges

Joseph Bassano, J.D.; Khara Singer-Mack, J.D.; Thomas Muskus, J.D; Karl Oakes, J.D. and Jeffrey J. Shampo, J.D.

VII. Compensation and Fees

B. Amount

2. Change in Amount During Term of Office

b. Restrictions Against Altering Compensation During Term

§ 203. What constitutes change—Pensions or retirement pay

[Topic Summary](#) | [References](#) | [Correlation Table](#)

West's Key Number Digest

West's Key Number Digest, [Judges](#)  22(7)

**Provisions restricting the diminution of judicial compensation may be violated by statutory provisions placing limitations on a judge's right to change retirement plans.**

Generally, provisions restricting increase or diminution of compensation are not violated by statutes awarding pensions or retirement pay.<sup>1</sup> However, requiring a judge to contribute via a salary deduction to a retirement system,<sup>2</sup> or a statute increasing the contributions to a judicial retirement system without a corresponding increase in pension,<sup>3</sup> or even statutory provisions placing limitations on a judge's right to change retirement plans<sup>4</sup> violate the constitutional prohibition against diminution of salary during a term.

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Footnotes

1 Minn.—*Saetre v. State*, 398 N.W.2d 538 (Minn. 1986).

**Contribution increase**

An increase in the contribution rate under the retirement law was not a change in the county judge's compensation within the constitutional prohibition on a change of an elected officer's compensation during

his or her term even though the system might operate so as to subject the officer to minor, incidental, financial detriment.

Ky.—Cook v. Chilton By and For Bd. of Trustees of County Emp. Retirement System, 390 S.W.2d 656 (Ky. 1965).

2 Alaska—Hudson v. Johnstone, 660 P.2d 1180 (Alaska 1983).

3 Del.—Carper v. Stifel, 384 A.2d 2 (Del. 1977).

4 Del.—Lee v. State Bd. of Pension Trustees, 739 A.2d 336 (Del. 1999).

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